

REMARKS

Claims 1-13 and 15-17 are pending. The independent claims are claims 1, 5, 11, 12, 13, and 15. Claims 5 and 6 are allowed.

Independent Claims 1, 11, 13 and 15 Should Be Allowed

The Office Action states that claims 1, 11, 13, and 15 are obvious from *Kuwahara* in view of *Soliman* and in view of the newly cited reference *Yamamoto* (U.S. Patent No. 6,549,545). Applicant respectfully disagrees.

Present claim 1 requires, among other things, that a “search window is determined based on . . . a known distance of a mobile station to at least one other network element.” This other network element is clearly not the specific network element mentioned earlier in claim 1, from which a signal is received at the mobile station and for which the delay is to be estimated. Indeed, the final Office Action concedes that this feature is not known from the *Kuwahara* reference, but considers it to be known from the *Soliman* reference. But according to the *Soliman* reference, the window size is related to the geometric distance between a phone and a targeted pilot, i.e. the network element from which the signal is received that is to fall within the search window. Thus, *Soliman* does not disclose the indicated feature of claim 1 as asserted in the final Office Action.

The Examiner acknowledges that the newly introduced claim limitation, which says that the “search window increases an acquisition probability for said signal,” is not disclosed in the previously cited references. Nevertheless, the final Office Action states that the newly cited *Yamamoto* reference discloses this feature. According to *Yamamoto*, one goal is to receive pilot signals from several base stations within a search window of the fixed size (col. 2, lines 15-21 and 52-55; col. 6, lines 12-35). Thus, the requirements are quite different from the case of claim 1, where the acquisition probability for signals from a specific network element is to be increased with the search window.

These same arguments apply to independent claims 11, 13, and 15. Consequently, Applicant respectfully submits that independent claims 1, 11, 13, and 15 should be allowed.

Independent Claim 12 Should Also Be Allowed

The Office Action states that claim 12 is disclosed by the teachings of *Kuwahara* in combination with the teachings of the newly-cited *Chen* reference (U.S. Patent No. 6,748,224) together with the teachings of *Yamamoto*.

Chen discloses that a separate search window is provided for each of several network elements; no more than one pilot channel signal is to be within each search window (col. 1, lines 41-48). However, this clearly contradicts the teachings of *Yamamoto*, which requires that all pilot signals can be received within a single search window (col. 6, lines 16-17 and Figs. 3A, 3B). Thus, a skilled person would not consider it feasible to combine the teachings of *Chen* and *Yamamoto*.

Further, even assuming that *Yamamoto* discloses “the search window increases an acquisition probability for said signal,” still present claim 12 requires that the respective search window for each of the network elements increases an acquisition probability for said signals.

While claim 12 thus requires that each of a plurality of search windows increases the acquisition probability for the signals by a different one of the network elements, *Yamamoto* aims at increasing the probability that the pilot signals from all network elements fall within a single search window. This requirement of *Yamamoto* is thus quite different from that of present claim 12.

CONCLUSION

Applicants respectfully submit that the claims of the present application define patentable subject matter and are patentably distinguishable over the cited references for the reasons explained. The rejections of the final Office Action having been shown to be inapplicable,

retraction thereof is requested, and early passage of claims 1-13 and 15-17 to issue is earnestly solicited.

Applicant would appreciate if the Examiner would please contact Applicant's attorney by telephone, if that might help to speedily dispose of any unresolved issues pertaining to the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Hyman".

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